523 the plaintiff's leg had to be amputated because of complications following the defendant's touching the plaintiff's shin. The theory of the defence was predicated on the fact that the leg had previously been in a diseased condition. But the court held the defendant liable and approved of the rule that "the wrongdoer is liable for all injuries resulting directly from the wrongful act, whether they could or could not have been foreseen by him." See also *McNamara* v. *Village of Clintonville,* 62 Wis. 207—predisposition to rheumatism making the illness more severe and prolonged; *Baltimore City Passenger Ry. Co.* v. *Kemp,* 61 Md. 74—predisposition to cancer. In the last case the court admitted that the predisposition was an intervening cause but this did not render the defendant any less liable because the "defendant must be supposed to know that it was the right of all classes of people, whether diseased or otherwise, to be carried in their cars, and it must be supposed that they knew that a personal injury inflicted upon anyone with predisposition or tendency to cancer might, and probably would, develop the disease." To the same effect is *Chicago City Ry. Co.* v. *Saxby,* 213 Ill. 274, 68 L. R. A. 164; and cases cited in note 76 to Sec. 1244 of SUTHERLAND ON DAMAGES (4th ed.). It is a related question whether such latent conditions will affect recovery under the WORKMEN'S COMPENSATION ACTS. There is less harmony among these latter cases. However, it would seem that the controlling principles are the same, as was pointed out in the note in 3 MINN. L. REV. 125. True enough, the causes are different, but it is difficult to see why they should operate differently merely because the cause in the one case is a negligent act and in the other it is the accident arising "out of and in the course of employment." Once the accident is brought within the statute the question of cause is identical. Thus, recovery was allowed in *Indianapolis Abbatoir Co.* v. *Coleman,* 117 N. E. 502; and *Lloyd* v. *Sugg* [1900], 1 Q. B. 481. See also the recent case of *Wabash Ry. Co.* v. *Industrial Commission,* 121 N. E. 569 (Feb., 1919). But the contrary was held in *Stombaugh* v. *Peerless Wire Fence Co.,* 198 Mich. 445. And compare *Van Gorder* v. *Packard Motorcar Co.,* 195 Mich. 588.

EMINENT DOMAIN—COMPENSATION—TIME OF VALUATION.—Petition in eminent domain proceedings to take part of plaintiff's land was filed by defendant in July, 1915. The trial to determine the land's value took place in October, 1917. The property had greatly enhanced in value in the interim, and plaintiff claimed the increase. *Held,* one justice dissenting, the fixed rule in Illinois gave compensation as of the time of filing the petition, no matter what the value of the land became thereafter. *City of Chicago* v. *Farwell* (Ill., 1919), 121 N. E. 795.

Owing to constitutional provision, the universal rule in eminent domain proceedings is that the property appropriated is to be paid for at its value at the time of the taking. *Sweaney* v. *U. S.,* 62 Wis. 396; II LEWIS, EMINENT DOMAIN, (3rd Ed.), Sec. 705. Where clear, the language of the condemnation statute in the particular jurisdiction is decisive as to when the taking occurs. *San José, etc. R. R. Co.* v. *Mayne,* 83 Cal. 566; *Lamborn* v. *Bell,* 18 Colo. 346. The date of filing the petition is in several states accepted as the

time of the taking. *Muncie Natural Gas Co.* v. *Allison,* 31 Ind. App. 50. Others hold it to be the date of appraisement. *Matter of Forsyth Blvd.,* 127 Mo. 417. The dissenting opinion in the principal case contends for an exception to the general Illinois rule in those cases where years elapse between the time of filing the petition and the beginning of the trial, on the grounds that the nearer we get to paying the compensation with one hand, while applying the axe with the other, the nearer we come to justice to all the parties involved. See *Parks* v. *City of Boston,* 32 Mass. 198, 208. The reverse of the question showed itself in *South Park Commissioners* v. *Dunlevy,* 91 Ill. 49, where the property depreciated in value between the time of filing the petition and the time of the trial. The representatives of the public sought to change the rule of damages, but without success.

EVIDENCE—CRIMINAL LAW—IMPEACHMENT OF DEFENDANT—OTHER CRIMES. —On cross-examination in a trial for murder the defendant, who had taken the stand in his own behalf, was asked whether he had held up another man and woman in another place of business at the point of a pistol and robbed them. The defendant's previous testimony was to the effect that he had come into the store to rob but not to kill; that he only fired at the deceased after the latter had attempted to kill him. The question was asked to impeach the defendant's credibility on this point. *Held,* that the evidence was competent since it tended to show that, instead of being a person who was seeking to avoid taking life, he was one who cared not whether, in the accomplishment of his purpose, he did or did not kill a human being. *State* v. *Werner* (La., 1919), 80 So. 596.

A defendant who takes the stand in his own behalf submits himself to impeachment just as any other witness. Though he can refuse to answer concerning other crimes by a claim of self-incrimination—*Saylor* v. *Commonwealth,* 97 Ky. 184—yet he is subject to the ordinary rules of evidence if he does not invoke that privilege. It is established that other crimes are not admissible in the trial of a particular issue although the exceptions to the rule have modified it to a considerable degree. But, whether the crimes are admissible to prove motive, identity, system or plan, it must still appear that they are connected with the present crime. *State* v. *Hale,* 156 Mo. 102; *Bain* v. *State,* 38 Tex. Cr. 635; *Rosensweig* v. *People,* 63 Barb. (N. Y.), 634. If the exception laid down by the principal case were accepted it would mean that the exception would swallow the rule so that it would vanish altogether. The theory upon which the evidence is admitted in the principal case is that the statement of the defendant is inconsistent with actual existing fact—it is an inconsistent statement and hence admissible. But is not all impeaching testimony used to disclose a state of facts contradicting the declaration of the witness? This would result in the admission of other crimes whether connected with the issue or not—so long as it could be used to impeach the credibility of the witness. To allow an exception, then, that other crimes can be used to impeach credibility amounts to making the exception the rule. But it seems that a few cases have erroneously recognized this broad exception. *People* v. *Pete,* 123 Cal. 373. See also *Jackson* v. *State,* 33 Tex. Cr. 281.